**THE HON'BLE MR JUSTICE V.V.S.RAO**

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**WRIT PETITION No.27466 of 2005**

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**Dated:30.12.2005**

Between:

Sri Prakasam Landless Poor and Agricultural Labour- Association,

Rep by its President Sri Medidi Madhava Krishna Rao ( Babji), S/o.Seetharamaiah, R/o.Kalipatnam Village, Mogaltur Mandal, W.G.District, and others.

**..... PETITIONERS**

AND

The Principal Secretary, Revenue Department, Govt of A.P., Secretariat, Hyderabad, and others.

**.....RESPONDENTS**

**THE HON'BLE MR JUSTICE V.V.S.RAO**

**WRIT PETITION No.27466 of 2005**

**ORDER:**

Sri Prakasam Landless Poor and Agricultural Labour Association, represented by its President, and three others filed the instant writ petition seeking a writ of mandamus declaring the action of the respondents in proposing to relax the cut off date as 01.01.1982 instead of 01.07.1945 and further declare the action of the respondents in not disposing of the representation dated 12.04.2005 made by the petitioners and not conducting enquiry as illegal and void, and for a consequential direction to the respondents to dispose of the representation.

Some of the villagers of Kalipatnam Revenue Village formed into an Association – the first petitioner herein; to protect their rights and other similarly situated persons. The Association has been agitating against the erstwhile Zamindars of Kalipatnam, which is an estate Village. Petitioner Nos.3 and 4 are cultivating tenants of estate land who were allegedly dispossessed by the Zamindar and his men forcibly. But, they claim to be entitled for grant of ryotwari patta with reference to cut off date as 01.07.1945 as per the provisions of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (for short 'the Act'). It appears,

initially pattas were granted to large number of persons in accordance with the provisions of the Act and relevant rules made under the Act. However, these pattas were set aside for various reasons.

The Settlement Officer – Joint Collector, West Godavari District, sent a representation to the Government of Andhra Pradesh, Revenue Department, informing that the pattas were cancelled by the Commissioner and Director of Settlements for want of valid documents of evidence of possession prior to 01.07.1945 which is the cut off date. It was also informed that in 1982, the Survey Land Registers prepared were computerized incorporating the position that prevailed as on 01.07.1945, which would show that there were 3150 enjoyers of Kalipatnam estate land. Therefore, if the cut off date is not modified as 01.01.1982, proper settlement cannot be made. Therefore, the Joint Collector recommended to the Government to relax the cut off date in exercise of its power under Section 68 of the Act by extending up to 01.01.1982 to enable large number of ryots get their rights settled under the provisions of the Act. The Government is yet to take any decision on the same.

The first petitioner submitted a representation on 12.04.2005, *inter alia,* complaining that all the persons who are inducted into possession after 01.07.1945 are not entitled for pattas, and even if any pattas are granted to such persons, they are liable to be cancelled. The first petitioner also requested the Government to grant pattas to the villagers under the Government scheme as per the assignment rules. The same is also pending with the Government.

The learned Counsel for the petitioners contends that the Joint Collector, the third respondent herein, recommended to relax the cut off date on the ground that large number of persons could not claim their rights for grant of pattas in view of the non availability of survey records. But the same is not correct. All those persons would get benefit as a result of such relaxation would be the henchmen of the erstwhile Zamindar, who has so far prevented the Settlement Officer from granting pattas to genuine villagers in occupation of the estate land. Therefore, he submits that if the relaxation is granted, genuine enjoyers would be deprived of their rights for grant of pattas.

The learned Assistant Government Pleader obtained instructions from the office of the Chief Commissioner for Land Administration and as well as the Government of Andhra Pradesh in Revenue Department. He submits that though the Joint Collector sent a recommendation vide letter dated 03.01.2005, the Government has not yet taken any decision and that the representation made by the first petitioner is also pending before the Government. He also vehemently contends that the writ petition is filed without proper cause of action, as the Government has not yet passed orders relaxing the cut off date as 01.01.1982.

As rightly contended by the learned Assistant Government Pleader, though the Joint Collector has sent a report on 03.01.2005 recommending relaxation of the cut off date, the Government is yet to take a decision. While doing so – this court has no doubt whatsoever – the Government shall have to consider all aspects of the matter,

especially, the history of litigation with regard to Kalipatnam estate land. If there are genuine ryots in possession of estate land by the cut off date or there are ryots whose claims would be genuine even if cut off date is treated as 01.01.1982, they alone would be entitled for grant of ryotwari pattas, and other persons would not be entitled for grant of ryotwari pattas under the relevant assignment rules. The assignment rules enable the Government to allot to landless and poor persons and if a person is entitled for grant of ryotwari patta under the Estate Abolition Act, there would not be any necessity to grant patta under the assignment rules. While considering the representation of the first petitioner dated 12.04.2005, this aspect of the matter has to be gone into with reference to the case of each claimant who makes an application for grant of patta.

In view of the above, the petitioners cannot be said to have any cause of action at this stage. Liberty is reserved to them to challenge the order of the Government, as and when such order is passed. In the meanwhile, if there are any genuine ryots who have been in possession of the land and whose applications for grant of pattas are pending before the third respondent, enquiry may be completed in respect of those claimants expeditiously within a period of twelve weeks from the date of receipt of a copy of this order.

The Writ Petition, with the above observations, is disposed of. No costs.

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(V.V.S.RAO, J)

30.12.2005

Note: Issue C.C. in one week.

B/o.

vs